

Applicant: Martin J. Dowling
Application No.: 10/736,165

REMARKS

Claims 1, 2, 4-9, 11-14, and 22-24 are pending in this Application. Claims 1, 2, 4-9, 11-14, and 22-24 were rejected by the Examiner.

The Applicant has amended claims 1-2, and 22-24 to more particularly claim the subject matter the Applicant regards as the invention. Claims 8-9, 11-14 are canceled in the present reply. 3, 10, and 15-21 were canceled. All claim amendments are fully supported in the specification and/or the drawings. No new matter has been added.

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Claim Objections

The Examiner objected to claim 14 because of informalities. The Applicant has canceled claim 14 and respectfully requests the Examiner withdraw the objection.

35 U.S.C. §112 Rejections

The Examiner rejected claims 1, 2, 4-7, and 22-24 under 35 U.S.C. §112. The Applicant has amended claims 1-2 and 22-24 to more particularly claim the subject matter the Applicant regards as the invention. It is believed that the present amended claims overcome the Examiner's 35 U.S.C. §112 rejections.

35 U.S.C. §102 Claim Rejections

Claim 14

The Examiner has rejected claim 14 under 35 U.S.C. §102(b) as being anticipated by Kita (U.S. Ref. No. 5,960,367). The Applicant has canceled claim 14.

35 U.S.C. §103 Claim Rejections

Claims 1, 2, 4-9, 11, 22 and 23

The Examiner rejected claims 1, 2, 4-9, 11, 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over Osborn (U.S. Ref. No. 6,119,022) in view of Bach et al. (U.S. Ref. No. 6,377,795).

The Applicant has canceled claims 8-9 and 11 in the present reply.

The Osborn et al. reference discloses a portable communication device that is capable of receiving an incoming call. Once it receives the incoming call, it invariably transmits a signal to an accessory device, regardless of any classification to the call. The accessory unit then receives the signal from the portable communication device and activates a "transducer." Importantly, the portable communication device in Osborn **always** signals the accessory device.

In addition, the Osborn et al. reference does not disclose, teach or suggest a device that, *inter alia*, receives a signal that a threshold has been exceeded in an operating device and alerts a user of the exceeding of the threshold. The Bach et al. reference fails to cure this deficiency.

Accordingly, the Applicant's amended independent claims 1, 2, and 22 are patentable over the Osborn et al. and Bach et al. references, whether taken alone or in combination with one another.

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Claims 4-7 depend from the Applicant's patentable amended independent claim 2 and are therefore patentable for at least the same reasons as patentable amended independent claim 2.

Likewise, claim 23 depends from the Applicant's patentable amended independent claim 22 and is therefore patentable for at least the same reasons as patentable amended independent claim 23. In addition, claim 23 recites, among other things, an exceeded threshold signal that "includes information identifying the first operating device and the nature of a problem causing the exceeded threshold" which is not disclosed, taught or suggested in the Osborn or Bach devices. Accordingly, claim 23 is patentable for this reason as well as its dependence from patentable amended independent claim 22.

Claims 12 and 13

The Examiner rejected claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Osborn in view of Bach, and further in view of Cazier (U.S. Publication No. 2004/0100505).

Claims 12-13 are canceled in the present reply.

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Claim 24

The Examiner rejected claim 24 under 35 U.S.C. §103(a) as being unpatentable over Osborn in view of Bach as applied to claim 22, and further in view of Burgess (U.S. Application No. 2002/0128033).

As described above, neither the Osborn nor the Bach references disclose, teach or suggest a device that receives a signal that a threshold has been exceeded in an operating device and alerts a user of the exceeding of the threshold, or an exceeded threshold signal that "includes information identifying the first operating device and the nature of a problem causing the exceeded threshold." Furthermore, the Burgess reference fails to cure these deficiencies.

Accordingly, claim 24 is patentable over the Osborn, Bach and Burgess references, whether taken alone or in any combination with one another.

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Conclusion

The Applicant thanks the Examiner for her consideration and believes the application is in condition for allowance. Early and favorable reconsideration is respectfully solicited.

If the Examiner has any questions, or believes that a telephone conference would advance the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned attorney.

Respectfully submitted,

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